

A RESOLUTION

2005-42-37

EXPRESSING THE CITY OF SAN ANTONIO'S INTENT TO CONSIDER THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE ("TIRZ") TO FINANCE PUBLIC IMPROVEMENTS IN THE MEDIO CREEK DEVELOPMENT (CITY COUNCIL DISTRICT 4) AND AUTHORIZING STAFF TO PROCEED WITH THE STATUTORY PROCESS FOR THE CONSIDERATION OF THE CREATION OF A TIRZ.

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WHEREAS, tax increment financing is an economic development tool authorized by the Tax Increment Financing ("TIF") Act, Texas Tax Code, Chapter 311 (the "Act"), used by municipalities to finance needed public improvements and enhanced infrastructure within certain areas of the municipality by leveraging private investment for certain types of development activities; and

WHEREAS, since 1998, the City of San Antonio ("City") has developed and adopted *City of San Antonio, Texas Guidelines and Criteria for Tax Increment Financing and Reinvestment Zones* ("Guidelines") in accordance with the requirements of the Act and on January 8, 2004, by Ordinance No. 98663, adopted the 2004 Guidelines; and

WHEREAS, on July 8, 2005, the City Clerk received an application and application fees from Miam Enterprize Management, LLC, for the use of TIF in accordance with the 2004 Guidelines for the Medio Creek Development, located within City Council District 4, outside Loop 410, south of Interstate 35 and South of Fischer Road, within the Primary Target Area defined by the 2004 Guidelines; and

WHEREAS, the City initiated fees in the 2002 Guidelines, and approved them again in the 2004 Guidelines, to pay for staff's review of the application and the development of preliminary Project and Financing Plans for the proposed project, requiring an applicant for TIF to pay a \$31,000 Processing Fee within ten (10) business days after the approval of a Resolution of Intent to consider the designation of a Tax Increment Reinvestment Zone ("TIRZ") by the City Council; and

WHEREAS, the application proposes public improvements for the Medio Creek Development, including streets, sidewalks, sanitary sewer, water distribution, drainage, offsite sewer lift station, and right of way acquisition; and

WHEREAS, the Act requires the City, prior to the creation of a Tax Increment Reinvestment Zone ("TIRZ"), to hold a public hearing on the creation of the proposed zone and its benefits to the City and the property within the proposed zone; and

WHEREAS, the Act requires the City Council, before holding the public hearing on the creation of the proposed zone, to provide written notification of the City's intent to consider the

designation of a TIRZ to the governing body of each taxing unit that levies real property taxes in the proposed TIRZ, unless the notice is waived by the taxing units, not later than the 60th day before the date of the public hearing to designate the TIRZ; and

WHEREAS, the City desires to notify the governing bodies that levy real property taxes in the proposed reinvestment zone, of the City's intent to consider designation of a TIRZ; and

WHEREAS, in accordance with the Act, the City Council deems it advisable to: (i) request the opportunity to make a formal presentation to the governing body of Bexar County and each school district that levies real property taxes in the proposed TIRZ; and (ii) notify each taxing unit that levies real property taxes in the proposed TIRZ of presentations to be made before the county and each school district; and

WHEREAS, in accordance with the Act, the City Council deems it advisable to: (i) request each taxing unit that levies real property taxes in the proposed TIRZ to designate a representative from the taxing unit to meet with the City staff to discuss the preliminary project and financing plans for the proposed TIRZ; and (ii) delegate to City staff the authority to call one or more meetings, as may be needed with the representatives of the taxing units; and

WHEREAS, approval of this resolution authorizes City staff to initiate an in-depth review of the project for consideration of designation of a TIRZ; **NOW THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City of San Antonio ("City"), based on preliminary review of the application of Miam Enterprize Management, LLC, intends to consider the designation, at a future time, of the area commonly known as the Medio Creek Development as a Tax Increment Reinvestment Zone ("TIRZ").

SECTION 2. The City's expression of this intent does not constitute actual designation of or an obligation to designate the TIRZ, but merely indicates the intent of the City for the purpose of proceeding in the process of consideration of designation of a TIRZ, and is based on a preliminary review of the information provided in the application.

SECTION 3. City staff is authorized by this resolution to provide written notice of the City's intent to each taxing unit that levies a tax in the proposed TIRZ, request each of those taxing entities to appoint a representative to meet with City staff to discuss the proposed project, and to call and hold meetings with representatives of those taxing entities, as provided by Chapter 311 of the Texas Tax Code, known as the Tax Increment Financing Act (the "Act").

SECTION 4. This resolution does not prevent the City from continuing its evaluation of the TIF application of Miam Enterprize Management, LLC, or from requesting additional information from Miam Enterprize Management, LLC.

SECTION 5. In compliance with the terms and conditions of the *2004 City of San Antonio, Texas Guidelines and Criteria for Tax Increment Financing and Reinvestment Zones*, Miam

Enterprize Management, LLC shall submit a \$31,000.00 processing fee within ten (10) business days after the effective date of this Ordinance.

SECTION 6. Funds in the amount of \$31,000.00 are authorized to be deposited in Internal Order 261000000000, entitled "TIF Program Revenue", General Ledger 4401237, entitled "TIF-Processing Fees", Fund 29091000 entitled "TIF Unit Fund" when paid by the applicant.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This resolution shall take effect on the tenth (10th) day after passage.

PASSED AND APPROVED this 20th day of October 2005.




M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: 10.

Date: 10/20/05

Time: 11:10:31 AM

Vote Type: Multiple selection

Description: A Resolution expressing the City of San Antonio's intent to consider the creation of a Tax Increment Reinvestment Zone ("TIRZ") to finance public improvements in the Medio Creek Development (District 4) and authorizing staff to proceed with the statutory process for the consideration of the creation of a TIRZ. [Presented by David D. Garza, Director, Neighborhood Action Department; Jelynn LeBlanc Burley, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		